

**SUPREME COURT MINUTES
FRIDAY, JANUARY 25, 2013
SAN FRANCISCO, CALIFORNIA**

S208050 C065925 Third Appellate District **PEOPLE v. PONTOD
(MANUEL RAY)**

The petition for review filed by appellant on January 18, 2013, is hereby ordered stricken pursuant to the order filed by the Court of Appeal on January 7, 2013, granting appellant's petition for rehearing.

S206604 B221672 Second Appellate District, Div. 1 **PEOPLE v. GARCIA (JOSE)**
The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S206651 **PEOPLE v. McNAMARA
(GREGG D.)**
The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S206711 E053425 Fourth Appellate District, Div. 2 **PEOPLE v. LOPEZ (RANDY
ROBERT)**
The time for granting or denying review in the above-entitled matter is hereby extended to March 6, 2013.

S206723 E052612 Fourth Appellate District, Div. 2 **PEOPLE v. MONCADA (JOSE
ROGELIO)**
The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2013.

S206731 B233196 Second Appellate District, Div. 2 **PEOPLE v. FLORES
(RAYMOND A.)**
The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S206782 B233131 Second Appellate District, Div. 8 **PEOPLE v. VENEGAS
(CHRISTIAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 14, 2013.

S206855 E053467 Fourth Appellate District, Div. 2 **CHINO MHC LP v. CITY OF
CHINO (LAMPLIGHTER
CHINO HOMEOWNERS
ASSOCIATION)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S206870 B228221/B233787 Second Appellate District, Div. 2 **PEOPLE v. COLEMAN
(JASON EDDIE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2013.

S206958 B231842 Second Appellate District, Div. 3 **PEOPLE v. RAMIREZ
(JESSIE D.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 13, 2013.

S206983 C068354 Third Appellate District **PEOPLE v. HUTCHINSON
(MICHAEL VINCENT)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 14, 2013.

S207015 E053170 Fourth Appellate District, Div. 2 **PEOPLE v. GUTIERREZ
(JASON DAVID)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207016 B230053 Second Appellate District, Div. 6 **PEOPLE v. ARAUZ
(BRANDON RAY)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S207020 C068699 Third Appellate District **PEOPLE v. WARR (CALVIN)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 1, 2013.

S207026 A133708 First Appellate District, Div. 4 **PEOPLE v. SAVAGE
(WILLIAM LEON)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 1, 2013.

S207028 G047618 Fourth Appellate District, Div. 3 **LANDAU (SID) v. S.C.
(PEOPLE)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 1, 2013.

S207038 B235144 Second Appellate District, Div. 4 **PEOPLE v. STUART (PERRY)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 1, 2013.

S207046 E053440 Fourth Appellate District, Div. 2 **PEOPLE v. WILSON (DEVIN
McLEAN)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 1, 2013.

S207048 C065269 Third Appellate District **PEOPLE v. JIMENEZ, JR.,
(TONY SALVADORE)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 1, 2013.

S207062 D059494 Fourth Appellate District, Div. 1 **TRUPPI (WILLIAM) v.
PASCO ENGINEERING, INC.**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 4, 2013.

S207071 B231434 Second Appellate District, Div. 6 **PEOPLE v. AZNAVOLEH (AREN)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207091 B233293 Second Appellate District, Div. 3 **PEOPLE v. ONLEY (RONNIE F.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 5, 2013.

S207106 B236361 Second Appellate District, Div. 5 **CHODOS (HILLEL) v. COLE (DANA M.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 5, 2013.

S207133 D059507 Fourth Appellate District, Div. 1 **PEOPLE v. HERNANDEZ (SAUL)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 5, 2013.

S207134 C065319 Third Appellate District **PEOPLE v. VASQUEZ (ANTHONY RYAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 6, 2013.

S207141 F062557 Fifth Appellate District **PEOPLE v. WARD (MELVIN)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 6, 2013.

S207146 D062798 Fourth Appellate District, Div. 1 **NEELEY (SCOTT) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 6, 2013.

S207162 A133824 First Appellate District, Div. 5 **AYYAD (RAMZY) v. SPRINT SPECTRUM LP**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207165 C067353 Third Appellate District **IN RE D.B.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207172 B234234 Second Appellate District, Div. 3 **HARTFORD CASUALTY INSURANCE COMPANY v. SWIFT DISTRIBUTION, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207173 F063849 Fifth Appellate District **TOULUMNE JOBS & SMALL BUSINESS ALLIANCE v. S.C. (WAL-MART STORES, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207190 B232929 Second Appellate District, Div. 7 **WASHINGTON (MICHAEL SHAGG) v. TAKE-TWO INTERACTIVE SOFTWARE, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207193 B236054 Second Appellate District, Div. 1 **PEOPLE v. VERBA (MARK)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 7, 2013.

S207203 A131366 First Appellate District, Div. 2 **PEOPLE v. LEAL (DANIEL LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207204 A130983 First Appellate District, Div. 5 **PEOPLE v. HEARD
(CHARLES)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207212 D060710 Fourth Appellate District, Div. 1 **SEE'S CANDY SHOPS, INC. v.
S.C. (SILVA)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207218 D060411 Fourth Appellate District, Div. 1 **PEOPLE v. WASHINGTON
(CORTEZ LAMON)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207219 H038065 Sixth Appellate District **IN RE T.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S207220 B235921 Second Appellate District, Div. 4 **PEOPLE v. McDOWELL
(DAVIONE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 14, 2013.

S207221 A131547 First Appellate District, Div. 5 **PEOPLE v. GARCIA-WEHR
(ARMANDO)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207233 B239393 Second Appellate District, Div. 1 **IN RE DESTINY S.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207234 E053554 Fourth Appellate District, Div. 2 **PEOPLE v. MILLER
(THOMAS)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207240 B242976 Second Appellate District, Div. 1 **PRESS (ROSALIND) v.
WORKERS'
COMPENSATION APPEALS
BOARD & LOS ANGELES
UNIFIED SCHOOL DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207247 A135818 First Appellate District, Div. 2 **REIS-CAMPOS (MARCOS
VICINIUS) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 8, 2013.

S207250 E054422/E054735/E054737/E054738
Fourth Appellate District, Div. 2 **PEOPLE v. BIANE (PAUL
ANTOINE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S207256 D059524 Fourth Appellate District, Div. 1 **PEOPLE v. VELIZ, SR.,
(JESUS RAFAEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 12, 2013.

S207261 G047284 Fourth Appellate District, Div. 3 **MICELI (JAMES) v. S.C.
(STAPLES, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S207265 B234205 Second Appellate District, Div. 3 **CARPENTER (BRENT) v. BERNARDS BROS., INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 11, 2013.

S207267 B239771 Second Appellate District, Div. 1 **KROGER CO. v. WORKERS' COMPENSATION APPEALS BOARD & RODRIGUEZ (MIGUEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 12, 2013.

S207270 G047702 Fourth Appellate District, Div. 3 **KNUDSEN (BANNING JAMES) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 12, 2013.

S207271 B245369 Second Appellate District, Div. 7 **ONTIVEROS (ART FRANK) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 12, 2013.

S207280 A132034 First Appellate District, Div. 2 **PEOPLE v. COLLINS (CLAYTON JAY)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 12, 2013.

S207314 B238460 Second Appellate District, Div. 7 **M. (LUIS) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 13, 2013.

S207334 F064375 Fifth Appellate District **KORESKO (JOHN J.) v. DE LA ROSA (ROEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 14, 2013.

S207354

A098506 First Appellate District, Div. 4

**PEOPLE v. KAZAS
(CHRISTOPHER PETER)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 14, 2013.

S198611**SEIFFERT ON DISCIPLINE**

Recommended discipline imposed

The court orders that WILLIAM CALLAHAM SEIFFERT, State Bar Number 140291, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. WILLIAM CALLAHAM SEIFFERT is suspended from the practice of law for the first 30 days of probation;
2. WILLIAM CALLAHAM SEIFFERT must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 2, 2012; and
3. At the expiration of the period of probation, if WILLIAM CALLAHAM SEIFFERT has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

WILLIAM CALLAHAM SEIFFERT must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2014 and 2015. If WILLIAM CALLAHAM SEIFFERT fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S206657**SMITH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEPHEN SELWYN SMITH, State Bar Number 108137, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEPHEN SELWYN SMITH must make restitution to Yongsheng Xu in the amount of \$1,750 plus 10 percent interest per year from December 28, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

STEPHEN SELWYN SMITH must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S206666**BERES ON DISCIPLINE**

Recommended discipline imposed

The court orders that JUDY LEE BERES, State Bar Number 210161, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. JUDY LEE BERES is suspended from the practice of law for the first six months of probation;
2. JUDY LEE BERES must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on September 25, 2012; and
3. At the expiration of the period of probation, if JUDY LEE BERES has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JUDY LEE BERES must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JUDY LEE BERES must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S206673**BERRYESSA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WYMAN PATRICK BERRYESSA, State Bar Number 196843, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

WYMAN PATRICK BERRYESSA must make restitution to Artis Sharp in the amount of \$1,950 plus 10 percent interest per year from July 1, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

WYMAN PATRICK BERRYESSA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section

6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S206675**KELLEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KEVIN PATRICK KELLEY, State Bar Number 140462, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KEVIN PATRICK KELLEY must make restitution to David Guillen in the amount of \$7,800 plus 10 percent interest per year from July 15, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

KEVIN PATRICK KELLEY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.